



UNITED STATES OF AMERICA
FEDERAL LABOR RELATIONS AUTHORITY

BOSTON REGIONAL OFFICE
10 Causeway Street, Suite 472
Boston, Massachusetts 02222
TEL: (617) 565-5100 - FAX: (617) 565-6262

October 20, 2014

Terrance Peterson
4023 Rosetree Lane
Newark, DE 19702

Re: FOIA-2014-000113

Dear Mr. Peterson:

This is in reply to your request, which was received on September 22, 2014, in which you requested certain information under the Freedom of Information Act (the FOIA), 5 U.S.C. Section 552. You requested all documentation in Case No. WA-CA-14-0246 made to the Department of Veteran Affairs, Wilmington. On October 15, 2014, during a telephone conversation with Gail Sorokoff, you clarified you were requesting any documents provided by the Department of Veterans Affairs, Wilmington (VA). You indicated you were particularly looking for any information regarding the OIG meeting in November and how that relates to any subsequent actions the VA took against you. You indicated, however, you did not wish to receive any documents which the VA had already provided to you or that you had provided to the VA.

Your request for the documents has been granted in part and denied in part. Enclosed you will find copies of the following documents:

1. Time and Leave information from November 17, 2013 through November 30, 2013;
2. Table of Penalties, VA Handbook 5021/15 Part I, Appendix A, dated July 19, 2013;
3. VA Handbook 1170.02, dated March 14, 2011;
4. Article 21 of the CBA.

The Charged Party's statement of position, non-public confidential documents supplied by the Charged Party and Agent correspondence from the Charged Party are protected from disclosure by Exemption 7(D).¹ This Exemption permits withholding of records or information compiled for law enforcement purposes that could reasonably be expected to identify a confidential source. This exemption turns on whether the source of the information received express or implied assurances of confidentiality from the government.² "A source should be deemed confidential if the source furnished information with the understanding that the [agency] would not divulge the communication except to the extent the [agency] thought necessary for law enforcement purposes."³ FLRA's regulations provide an assurance of confidentiality to those persons who provide relevant information during the course of a ULP investigation.⁴ If the FLRA were forced to reveal statements and information submitted or obtained during the investigation of the case, it would substantially deter the voluntary cooperation of witnesses, adversely impact the witnesses' privacy interests, hinder obtaining sworn statements and other information from all potential sources and, consequently, substantially interfere with present and future enforcement proceedings.

¹ 5 U.S.C. section 552(b)(7)(D).

² See *McDonnell v. United States*, 4 F.3d 1227, 1258; *United States Department of Justice v. Landano*, 508 U.S. 165, 171-176 (1993). (*Landano*).

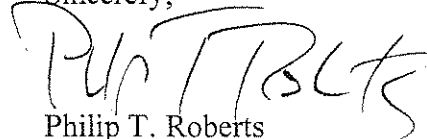
¹⁰ *Landano*, 508 US at 174.

¹¹ Section 2423.8(d) of the Federal Labor Relations Authority Rules and Regulations.

There are no charges associated with your request.⁵

I am responsible for the above FOIA determination. In accordance with Section 2411.7 of the FLRA's regulations, 5 C.F.R. Section 2411.7, you may obtain review of this determination by filing a written appeal with the General Counsel of the FLRA within 30 days after you receive notification of the denial of your FOIA request. Please send your appeal to the Freedom of Information Act Officer, FLRA, OGC, 1400 K Street, 2nd Floor, Washington, DC 20424-0001.

Sincerely,

A handwritten signature in dark ink, appearing to read "P. T. Roberts", written over a horizontal line.

Philip T. Roberts
Regional Director

cc: OGC

⁵ 5 C.F.R. Section 2411.10.